



March 27, 2015

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## ENGROSSED HOUSE BILL No. 1300

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DIGEST OF HB 1300 (Updated March 25, 2015 4:01 pm - DI 87)

**Citations Affected:** IC 22-13; IC 36-1; noncode.

**Synopsis:** Ordinances related to building and housing laws. Specifies that an ordinance or other regulation adopted by a political subdivision that qualifies as a fire safety law or a building law: (1) must be submitted to the fire prevention and building safety commission (commission) for review within 30 days of adoption by the political subdivision; and (2) is not effective until it is approved by the commission. Establishes procedures for the commission's program for review of adopted ordinances and other regulations. Prohibits a county, municipality, or township from adopting an ordinance that requires or would have the effect of requiring a landlord to participate in: (1) a Section 8 program of the federal Housing Act of 1937; or (2) a similar program concerning housing.

**Effective:** July 1, 2015.

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### McMillin, Eberhart, Klinker

(SENATE SPONSOR — BOOTS)

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January 13, 2015, read first time and referred to Committee on Veterans Affairs and Public Safety.

February 3, 2015, amended, reported — Do Pass.

February 10, 2015, read second time, ordered engrossed. Engrossed.

February 12, 2015, read third time, passed. Yeas 77, nays 19.

#### SENATE ACTION

February 24, 2015, read first time and referred to Committee on Local Government.

March 26, 2015, reported favorably — Do Pass.

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March 27, 2015

First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1300

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 22-13-2-5 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) The commission  
3 shall carry out a program to review the fire safety laws and the building  
4 laws adopted in the ordinances and other regulations of political  
5 subdivisions.  
6 (b) **Except as provided in subsection (c)**, an ordinance or other  
7 regulation adopted by a political subdivision that qualifies as a fire  
8 safety law or a building law:  
9 (1) **must be submitted to the commission for review within**  
10 **thirty (30) days after adoption by the political subdivision;**  
11 **and**  
12 (2) is not effective until it is approved by the commission.  
13 (c) ~~However~~, An ordinance that:  
14 (1) is adopted by a city, town, or county; and  
15 (2) governs the installations, repair, and maintenance of smoke

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1 detectors in residential structures that are not required to have  
 2 smoke detectors under the rules of the commission;  
 3 is effective without approval by the commission.

4 SECTION 2. IC 22-13-2-5.5 IS ADDED TO THE INDIANA CODE  
 5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 6 1, 2015]: **Sec. 5.5. The commission's program for review of adopted  
 7 ordinances and other regulations of political subdivisions  
 8 submitted for approval by the commission under section 5 of this  
 9 chapter shall be conducted by the commission staff as follows:**

10 (1) A request may be made to the commission for preliminary  
 11 staff review at any time. The results of the staff review must  
 12 be furnished to the requester within a reasonable time.

13 (2) A submission by a political subdivision for approval of an  
 14 ordinance or other regulation by the commission shall be  
 15 made in hard copy or electronic form acceptable to the  
 16 commission. The staff shall place the submission on the  
 17 agenda for the first commission meeting scheduled later than  
 18 five (5) working days after the receipt of the submission. An  
 19 opportunity for public testimony may be afforded at the  
 20 meeting of the commission.

21 (3) A member of the commission may submit an adopted  
 22 ordinance or other regulation to the commission for review  
 23 under subdivisions (1) and (2) if the political subdivision did  
 24 not submit the adopted ordinance or other regulation within  
 25 thirty (30) days of adoption by the political subdivision as  
 26 required by section 5(b) of this chapter.

27 (4) The commission's order regarding the ordinance or other  
 28 regulation shall be issued following the requirements set forth  
 29 under IC 4-21.5-3-5. If a petition for review is subsequently  
 30 granted under IC 4-21.5-3-7, the commission's order shall be  
 31 deemed merely to have been a preliminary determination.

32 (5) One (1) copy of each approved ordinance or other  
 33 regulation, endorsed by the chair of the commission, shall be  
 34 returned to the political subdivision or, if the submission was  
 35 made by a member of the commission, to the member, with  
 36 the order approving the ordinance or other regulation.

37 SECTION 3. IC 36-1-3-8.5 IS ADDED TO THE INDIANA CODE  
 38 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 39 1, 2015]: **Sec. 8.5. A unit may not adopt or enforce an ordinance  
 40 that requires or would have the effect of requiring a landlord to  
 41 participate in:**

42 (1) a Section 8 program of the federal Housing Act of 1937 (42



1           **U.S.C. 1437f); or**

2           **(2) a similar program concerning housing.**

3           **SECTION 4. [EFFECTIVE JULY 1, 2015] (a) 675 IAC 12-10-8 is**  
4           **void. The publisher of the Indiana Administrative Code and**  
5           **Indiana Register shall remove 675 IAC 12-10-8 from the Indiana**  
6           **Administrative Code.**

7           **(b) This SECTION expires December 31, 2015.**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1300, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15, begin a new paragraph and insert:

"SECTION 1. IC 22-13-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) The commission shall carry out a program to review the fire safety laws and the building laws adopted in the ordinances and other regulations of political subdivisions.

(b) **Except as provided in subsection (c)**, an ordinance or other regulation adopted by a political subdivision that qualifies as a fire safety law or a building law:

**(1) must be submitted to the commission for review within thirty (30) days after adoption by the political subdivision; and**

**(2) is not effective until it is approved by the commission.**

**(c) ~~However~~**, An ordinance that:

(1) is adopted by a city, town, or county; and

(2) governs the installations, repair, and maintenance of smoke detectors in residential structures that are not required to have smoke detectors under the rules of the commission;

is effective without approval by the commission."

Page 2, delete line 1.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1300 as introduced.)

FRYE R

Committee Vote: yeas 9, nays 3.



## COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred House Bill No. 1300, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB 1300 as printed February 3, 2015.)

HEAD, Chairperson

Committee Vote: Yeas 4, Nays 2

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